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Applicant(s): Linder			11.023011 CIP	
Application No. 10/618,443	Filing Date July 11, 2003	Examiner Mummert, Stephanie	Customer No. 0000 38732	Group Art Unit 1637
Invention: Methods, Compositions and Apparatuses for Detecting a Target in a Preservative Solution				
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Response to Notice of Non-Compliant Appeal Brief - Amendment to Appeal Brief				
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Attorney's Docket No. 11.023011 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Linder *et al.*

Group Art Unit: 1637

Appl. No.: 10/618,443

Examiner: Mummert, Stephanie

Filed: July 11, 2003

For: METHODS, COMPOSITIONS AND APPARATUSES FOR DETECTING
A TARGET IN A PRESERVATIVE SOLUTION

Commissioner for Patents
PO Box 145
Alexandria, Virginia VA 22313-1450

AMENDMENT TO APPEAL BRIEF

Sir:

This Amendment is filed in response to the Notification of Non-Compliant Appeal Brief mailed July 6, 2007 and pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed January 6, 2007. Please enter the following amended Summary of Claimed Subject Matter to the Appeal Brief filed April 9, 2007.

Summary of Claimed Subject Matter.

The invention as defined by independent claim 1 describes an assay comprising providing a sample that is suspected of containing a target; providing a sensor that can bind to the target in an alcoholic preservative solution that does not contain formamide, said sensor conjugated to a chromophore; contacting the sample with the sensor in the alcoholic preservative solution that does not contain formamide under conditions in which the sensor can bind to the target, if present; applying a light source to the solution that can excite the chromophore; and detecting whether light is emitted from the target.

The invention as defined by independent claim 28 describes a method for identifying a sensor which specifically binds to a desired target, comprising: contacting a sample suspected of containing a target of interest with a detectable sensor, wherein the contacting takes place in a preservative solution comprising an amount of one or more water-soluble alcohols effective to preserve such solution against at least one contaminant and does not contain formamide; and detecting whether the sensor has bound to the target.

The methods allow for the simultaneous performance of sufficient fixation of a sample and binding of a detectable sensor to a target of interest in a sample. A summary of the claimed subject matter defined in independent claims 1 and 28 involved in the appeal may be found paragraphs [0014] to [0018] of the specification as well as Examples 1 and 2 found from paragraphs [0092] to [0106].